

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS**

**SAN ANTONIO DIVISION**

LOGAN PAUL,

*Plaintiff,*

v.

STEPHEN FINDEISEN AND COFFEE BREAK  
PRODUCTIONS LLC D/B/A COFFEEZILLA,

*Defendants.*

Civil Action No. 5:24-cv-00717

**PLAINTIFF LOGAN PAUL’S UNOPPOSED MOTION FOR LEAVE TO FILE  
SUR-REPLY IN OPPOSITION TO DEFENDANTS’ MOTION TO  
TRANSFER AND STAY PROCEEDINGS**

Pursuant to Local Rule CV-7(e)(1), Plaintiff Logan Paul files this Unopposed Motion for Leave to File Sur-Reply and asks that the Court grant him leave to file a sur-reply of no more than five (5) pages in opposition to Defendants’ Motion to Transfer and Stay Proceedings [Dkt. No. 82 (the “Motion to Transfer and Stay”)], and in support of this Unopposed Motion Plaintiff states as follows:

1. On April 15, Defendants filed their Motion to Transfer and Stay, in which they invoke the “first-to-file” rule and ask this Court to transfer this case to the Court presiding over a putative class action pending in the Austin Division of this District, *Holland v. CryptoZoo*, 23-CV-00110-ADA-RCG (W.D. Tex.).

2. On May 6, 2025, Plaintiff filed a Response in Opposition to the Motion to Transfer and Stay, in which he argues the first-to-file rule is inapplicable, and that in any event compelling circumstances exist that weigh against applying the rule in this case. [Dkt. No. 94]

3. On May 13, 2025, Defendants filed a Reply in Support of their Motion to Transfer and Stay. [Dkt. No. 102]

4. Plaintiff now seeks leave to file a brief sur-reply of no more than five (5) pages in order to respond to (1) a timeline that Defendants included in their Reply, and (2) aspects of Defendants' interpretation of the first-to-file standard that they expressed for the first time in their Reply. Plaintiff's proposed sur-reply accompanies this Motion as **Exhibit 1**.

5. Courts have discretion to grant additional briefing when there is good cause, and it should do so here. *See Homeland Ins. Co. of New York v. Clinical Pathology Labs., Inc.*, 643 F. Supp. 3d 675, 681 (W.D. Tex. 2022) ("Because CPL is responding to an argument Homeland raised in its Reply, the Court finds that it has presented good cause to file a sur-reply."); *Hix-Hernandez v. Ford Motor Co.*, No. 20-CV-00029, 2022 WL 2919351, \*1 (W.D. Tex. July 25, 2022) (same).

6. The undersigned has conferred with counsel for Defendants, who have advised they do not oppose the relief requested in this Motion.

WHEREFORE, Plaintiff respectfully requests that the Court grant this Unopposed Motion for Leave to File Sur-Reply and deem filed the proposed sur-reply that accompanies this Motion.

May 19, 2025

/s/ Andrew C. Phillips  
Andrew C. Phillips (*Pro Hac Vice*)  
Shannon B. Timmann (*Pro Hac Vice*)  
MEIER WATKINS PHILLIPS PUSCH LLP  
919 18th Street NW, Suite 650  
Washington, DC 20006  
(202) 318-3655  
Email: [andy.phillips@mwpp.com](mailto:andy.phillips@mwpp.com)  
Email: [shannon.timmann@mwpp.com](mailto:shannon.timmann@mwpp.com)

Jeffrey A. Neiman (*Pro Hac Vice*)  
Jason L. Mays (*Pro Hac Vice*)  
MARCUS NEIMAN RASHBAUM & PINEIRO LLP  
100 SE 3rd Ave., Suite 805

Ft. Lauderdale, Florida 33394  
Email: [jneiman@mnrlawfirm.com](mailto:jneiman@mnrlawfirm.com)  
Email: [jmayes@mnrlawfirm.com](mailto:jmayes@mnrlawfirm.com)

Ricardo G. Cedillo (Texas Bar No. 04043600)  
DAVIS, CEDILLO & MENDOZA, INC.  
755 E. Mulberry Ave., Ste. 250  
San Antonio, TX 78212  
(210) 822-6666  
Email: [rcedillo@lawdcm.com](mailto:rcedillo@lawdcm.com)

*Counsel for Plaintiff Logan Paul*

**CERTIFICATE OF SERVICE**

I hereby certify that, on the May 19, 2025, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record who are deemed to have consented to electronic service.

/s/ Andrew C. Phillips\_\_\_\_\_